THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 22nd day of August,2007

W.P.No.91 of 1999

Between:-

S. Prabhakara Rao … Petitioner

and

Director of Sugars, Government of A.P., Hyderabad and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.91 of 1999

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not considering the claim of the petitioner for promotion to the post of Boiler Attendant on par with the 4th respondent and others in accordance with the Rules by considering the length of continuous service rendered by him with the 3rd respondent with effect from 26.1.1983 as arbitrary and illegal and grant all consequential benefits.

According to the petitioner, he was appointed as a Boiler Fireman with the 3rd respondent-sugar factory at Renigunta, Chittoor district with effect from 26.1.1983. In the month of October,1990, he was transferred to the 2nd respondent's unit at Jampani, Guntur district in view of mutual request. In the seniority list displayed by the 2nd respondent on 24.7.1998, his name was shown at Serial No.5. He field the objections saying that he was appointed with effect from 26-1-1983 and though he was transferred to Jampani in the month of October,1990, he is entitled to reckon his seniority from the date of his initial appointment at Renigunta. As such, he is entitled for seniority and promotion on par with the 4th respondent and promoting the 4th respondent earlier to him is arbitrary and illegal.

A detailed counter has been filed by the 2nd respondent denying the allegations made by the petitioner. It is asserted that though the

petitioner was appointed in the year 1983 at Renigunta, since he was transferred to 2nd respondent-organization at Jampani with effect from October,1990, he is not entitled to reckon his seniority from the date of his first appointment. Under those circumstances, after receiving the objections from the petitioner, the seniority list of Boiler Firemen was prepared and the petitioner's name was shown at Sl.No.5 and since there were only four vacancies in the cadre of Boiler Attendant, he could not be promoted and the 4 persons above him were promoted.

The averments made in the counter would reveal that the petitioner was not given seniority from the date of his initial appointment in view of the fact that he sought for a mutual transfer from Renigunta to Jampani and joined at Jampani in the month of October,1990. Therefore, it cannot be said that the seniority of the petitioner has to be counted from the date of his initial appointment and he is entitled for promotion in the place of the 4th respondent. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, if the petitioner has already been promoted to the post of Boiler Attendant, this order will not come in his way and he shall be continued in the said post, as per law. No order as to costs.

22-8-2007

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